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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/690,574      | 10/17/2000  | Mike Daily           | HRL048              | 3531             |

28848 7590 11/30/2004  
TOPE-MCKAY & ASSOCIATES  
23852 PACIFIC COAST HIGHWAY #311  
MALIBU, CA 90265

EXAMINER

FERGUSON, KEITH

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2683

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/690,574

Applicant(s)

DAILY ET AL.

Examiner

Keith T. Ferguson

Art Unit

2683

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 42-64.Claim(s) objected to: 9,10,21,22,34 and 41.Claim(s) rejected: 2-8,11-13,15-20,23-25,28-33 and 37-40.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Continuation of 5. does NOT place the application in condition for allowance because: Argument: Regarding claim 2 and though out claims, Applicant alleges that the Chen reference does not disclose "orientation data", in light of the "orientation data" specified in the applicants specification. Explanation: Examiner respectfully disagrees because Chen teaches a GPS system that provides orientation data (i.e. location/positioning data, latitude/longitude data, from a constellation of satellites) to assist with user-generated queries (paragraph 0040,0084 and paragraph 0085). The examiner only addresses the limitations that are in the claims that are the broadest reasonable interpretation consistence with the applicant's specification. Argument: Regarding claim 4, applicant alleges that chen reference does not discloses "location-specific information is spatially enhanced on the user position and orientation data to appear to be coming from a location or object with which the information is associated. Examiner respectfully disagrees because Chen teaches "location base driving direction information " (location specific information) is related to a user position and orientated data "i.e. a map" is provided by a remote server 136 (location or object) whichd may be displayed on the users handset (paragraph 0063 through paragraph 0065). Regarding claim 13, applicant alleges that chen reference does not discloses "location-specific information" based on an expected user desitination determined from the user orientation data. Examiner respectfully disagrees because Chen teaches based upon the handset location or starting city (orientation data) and the handset final destination city the server could calculate a route and compile driving direction, the shortest possible route or the safest route (paragraph 0063 through paragraph 0065). Regarding claim 13, applicant alleges that chen reference does not discloses an audio transmission device configured to provide "location-specific information" based on an expected user desitination determined from the user orientation data . Examiner agrees with applicant. However, claim 13 does not recite an audio transmission device configured to provide "location-specific information" based on an expected user desitination determined from the user orientation data.



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600